

SUPREME COURT OF ARIZONA

In the Matter of a	)	
Suspended Member of the	)	Arizona Supreme Court
State Bar of Arizona	)	No. SB-14-0048-AP
	)	
<b>GARY L. LASSEN,</b>	)	Office of the Presiding
Attorney No. 5259	)	Disciplinary Judge
	)	No. PDJ20149026
Respondent.	)	
	)	<b>FILED 3/20/2015</b>
_____	)	

**DECISION ORDER**

Pursuant to Rule 59, Rules of the Supreme Court, Respondent Gary L. Lassen appealed the hearing panel's findings and imposition of disbarment. The Court has considered the parties' briefs and the record in this matter.

With respect to **Count One**, the Court accepts the panel's determination that Lassen violated ERs 1.1, 3.1, and 8.4(d). We reject the panel's determination that Lassen violated ERs 3.3(a)(1), 4.1(a), and 8.4(c). These ethical rules prohibit a lawyer from making false statements to a court or to others. Neither the State Bar nor the panel has explained how Lassen's conduct in filing appellate briefs that failed to comply with the requirements of the Arizona Rules of Civil Appellate Procedure implicated these ethical rules. Further, the State Bar presented no additional evidence to explain how Lassen's appellate briefs misrepresented the record.

With respect to **Count Two**, the Court accepts the panel's determination that Lassen violated ERs 1.2, 1.4(a), 1.5(a), 1.16,

5.5, and 8.4(c).

With respect to **Count Three**, the Court accepts the panel's determination that Lassen violated ERs 1.1, 1.2, 1.3, 1.4, 3.2, and 8.4(d). We reject the panel's determination that Lassen violated ERs 1.7(a)(2) and 3.1. ER 1.7(a)(2) addresses the issue of a concurrent conflict of interest. Neither the State Bar nor the panel pointed to any evidence in the record that would support this ethical violation. ER 3.1 prohibits a lawyer from pursuing a claim with no good faith basis in law and fact. The State Bar failed to present any evidence to support the allegation that Lassen did not have a good faith basis in law and fact for pursuing the underlying discrimination claim.

With respect to **Count Four**, the Court accepts the panel's determination that Lassen violated ERs 1.3, 3.1, 3.3, 3.4, and 8.4(d). We reject the panel's determination that Lassen violated ER 1.2. The State Bar alleged and the panel found that Lassen violated this ethical rule by failing to abide by his client's instructions. Lassen's client did not testify at the discipline hearing and the State Bar presented no other evidence to support this finding.

With respect to **Count Five**, the Court accepts the panel's determination that Lassen violated ERs 1.1, 1.3, 3.2, 8.1, 8.4(d), and Rule 54(d)(2). We reject the panel's determination that Lassen violated ERs 3.1 and 5.5. The violation of ER 3.1 was based on the same conduct alleged in Count Four: filing meritless claims and

unauthorized defaults. Lassen cannot be charged twice for the same conduct. The State Bar alleged that Lassen violated ER 5.5 by engaging in the practice of law during his suspension in 2012. There was no evidence presented to support a finding that Lassen engaged in the unauthorized practice of law with anyone related to this count.

With respect to the sanction, the Court affirms the imposition of disbarment, restitution, and costs and expenses of the discipline proceeding.

**IT IS ORDERED** affirming the decision and sanction of the hearing panel as set forth in this order.

DATED this 20<sup>th</sup> day of March, 2015.

---

SCOTT BALES  
Chief Justice

TO:

Gary L Lassen

Craig D Henley

Jennifer Albright

Sandra Montoya

Maret Vessella

Don Lewis

Beth Stephenson

Perry Thompson

Mary Pieper

Netz Tuvera

Lexis Nexis